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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/752,392	01/06/2004	Aaron P. Lauri	PAL-100-A	3572	
7590 07/11/2007 I. MICHAEL BAK-BOYCHUK ATTORNEY AT LAW P.O. BOX 32501 LONG BEACH, CA 90832			EXAM	EXAMINER	
			JOHNSON, JERROLD D		
			ART UNIT	PAPER NUMBER	
	, ,		3728		
		•		***************************************	
			MAIL DATE	DELIVERY MODE	
	•		07/11/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
Office Action Summary	10/752,392	LAURI, AARON P.				
omee Action Gammary	Examiner	Art Unit				
The MAILING DATE of this communication app	Jerrold Johnson	3728 correspondence address				
Period for Reply	cars on the dover shot with the	on coponació o dadress				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w. - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be ting will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. mely filed the mailing date of this communication. ED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 07 Ju	<u>ine 2007</u> .					
2a)⊠ This action is FINAL . 2b)☐ This	This action is FINAL . 2b) This action is non-final.					
,,,	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) ⊠ Claim(s) 1,4-7,10 and 11 is/are pending in the 4a) Of the above claim(s) 10 and 11 is/are with 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or	drawn from consideration.					
Application Papers						
9) ☐ The specification is objected to by the Examine	r.					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the						
Replacement drawing sheet(s) including the correcting 11) The oath or declaration is objected to by the Expression 11.	- · ·	•				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Applicat ity documents have been receive (PCT Rule 17.2(a)).	ion No ed in this National Stage				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate				

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 remains indefinite. The claim needs to be re-written so that the reader can fully appreciate the structural relationship of claim elements. The claim sets forth a channel, but one of ordinary skill in the art reading the claim would not reasonably understand what claim elements actually define the channel. Additionally, one of ordinary skill in the art reading the claim would not reasonably understand where the lower end wall and the groove are located in relation to the front side. This problem is compounded by the poorly written specification. Additionally, the Applicant has added the expression "magnet means" to the claims. There is no corresponding recitation for this limitation in the specification, and no discernable reason for doing this. If it is the Applicant's intention to invoke 35 USC 112 6th paragraph, the intention has not been accomplished. Additionally, there are grammatical errors in the claim that add further confusion. For example, the second line of the claim includes two commas that are grammatically incorrect in their usage. Correction will be required.

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The following is an example of what could be done to the claim to make it comply with 35 USC 112.

a first non-magnetic housing comprising:

a front side comprising a substantially planar lower portion and a curved upper portion, the curved upper portion extending away from the plane of the lower portion so as to define an intersection line at the intersection of the planer lower portion and the curved upper portion, the intersection line forming a fulcrum;

a pair of sidewalls, the sidewalls and the front side defining a channel opening outwardly along the front side of the housing;

an upper wall;

a lower end wall....;

a groove...; and

a first magnet...

The Examiner should be consulted before the filing of an RCE with claim amendments. It is not the Examiner's intention to force the Applicant to unnecessarily limit the claims. It is the Examiner's intention to only allow patent claims that meet 35 USC 112. The Examiner is also willing to draft proposed claims for review by the Applicant. These claims could then be filed with an RCE. The Applicant should not expect that claim amendments that are filed after this final rejection to correct the indefiniteness would be entered. Any amendment will necessarily require additional review to determine if the requirements of 35 USC 112 have been met. The Applicant has chosen to present an application that is below the threshold of definiteness required by 35 USC 112, and the filing of an RCE to overcome the rejection will be necessary.

The claims set forth allowable subject matter in a confusing manner that does not meet 35 USC 112. The claims require revision before they will be allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. J. D.J.

Supervisory Patent Examiner Group 3700